

REMARKS

- Applicant respectfully requests further examination and reconsideration in view of the above amendments and the arguments set forth fully below. Claims
- 5 1-13 are pending from an application filed 06/01/04.

The Office Action has rejected Claims 1-11. The Office Action has objected to Claim 12, and Claim 13 is allowed.

- 10 The Applicant has added a new claim (Claim 14) that teaches a hydration container having a compass fixedly attached to the container top.

Specification

- The Office Action has objected to the specification because the abstract of
- 15 the disclosure uses claim language: "comprising" and suggests acceptable language: "having". By the above amendment, the applicant has amended the term as per the Office Action's suggestion.

Claim Objections

- 20 The Office Action has objected to claims 1, 4, 8, 9 and 13, where the Office Action states:

Referring to Claims 1, 8, 9 and 13 it is unclear what Applicant intends by "**safety reflective material**".

Claims 2-7 are objected as claims dependent on claim 1.

Claims 10-12 are objected as claims depend on claim 9.

Referring to Claims 4 and 10 it is also unclear what Applicant intends by
"oversized bicycle container".

5

In response, the Applicant has amended Claims 1, 8, 9 and 13 to more specifically describe the safety reflective material, where the amended language of Claim 1 now reads "a safety reflective signaling mirror". Claims 8, 9 and 13 are dependent on Claim 1 and have amended language that more specifically
10 describes the invention, where the amended language reads: "signaling mirror is an adhesive-backed polyester film having reflective paint or reflective pigment."

The Applicant has amended Claim 1 to overcome the Office Action rejections and therefore the objections to Claims 2-7 that are dependent on Claim 1 are overcome.

15 The Applicant has amended Claim 9 to overcome the Office Action rejections and therefore the objections to the Claims 10-12 that are dependent on Claim 1 are overcome.

The Applicant has amended Claims 4 and 10 to more specifically describe the oversized bicycle container, where the amended language of Claims 4 and 10
20 now reads "an oversized bicycle hydration container having additional liquid holding capacity".

The Applicant avers that these amended claims overcome the Office Action rejections.

Rejection Under 35 USC § 103

Claims 1-14 are amended and/or submitted to be patentable over the cited references because the physical distinctions affect new and unexpected results, thereby indicating that the physical distinctions are unobvious and new under Sec. 103.

The Office Action rejected Claims 1, 3-7 under 35 U.S.C. 103(a) as being unpatentable over Ramirez (US 6,158,870) in view of Chao (US 2003/0235455) and Nicklowitz (US 6,964,492).

10 The Office Action states:

Ramirez discloses (Fig. 5) a plastic (col. 4, line 22) liquid container [26] of cylindrical shape having a cylinder wall, a top and a planar bottom and a molded (because of plastic) accessory cavity [30] for fixedly holding and accessory (speaker [31]).

15 Ramirez discloses the instant claimed invention except for a compass and a reflective material having a central hole.

Chao discloses (Fig. 7) a container [58] having a compass [56] attached.

20 Nickowitz discloses (Fig 7.) a container [10] having a base [19] and a reflective cover [20] (col. 4, lines 58-62) having a central hole for viewing an accessory [14].

Referring to Claims 3-5 Ramirez discloses the instant claimed invention except for a bicycle container.

It will be readily understood by those skilled in the art, that any type of container, including a bicycle and hiking container may be used with the accessories.

5 The applicant respectfully traverses this rejection for the following reasons:

THE APPLICANT'S INVENTION SOLVES A DIFFERENT PROBLEM THAN THE COMBINED REFERENCES OF A MUSICAL AND LIGHTABLE BABY BOTTLE BY RAMIREZ, THE MULTI-PURPOSE EYEGLASS CONTAINER BY CHAO AND THE ILLUMINABLE CONTAINER BY NOCKLOWITZ: The result

10 of combining the cited prior art would be an unworkable combination, where one would be left with a baby bottle having detachable cover with a musical device and a compass that is illuminated by a light stick. In light of the currently amended language of claim 1 to more particularly cite the novelty and non-obviousness of the current invention over the combined teachings of Ramirez,
15 Chao and Nicklowitz, the applicant respectfully avers the applicant's invention solves a different problem than the combined references, and such different problem is recited in the amended claims.

RAMIREZ DOES NOT TEACH A FIXEDLY ATTACHED CAVITY FOR
20 **HOLDING A COMPASS AND SAFETY SIGNAL MIRROR.** Ramirez does not show a cavity that is a permanent form to the hydration container, instead Ramirez teaches a detachable, frictionally held baby bottle cover. Specifically, Ramirez teaches: "Toward the bottom level, there will be open outer shield vent

holes for easy entry and exit of the baby bottle and cover, yet, there is a friction fit once in place. Four typical holes, 90 degrees apart are adequate, usually. More or less may be used as required as well as diameter." (Specification, Col. 6, lines 15-20). Ramirez further teaches: "An object of the present invention is to provide
5 a unique electronic musical producer and adapter for use with a baby nursing bottle, which adapter is readily detachable from the bottle" (Specification, col. 1 lines 44- 47). Ramirez further teaches: "The bottle should be removed for cleaning from the holder." (Specification, col. 1, lines 54-55).

The applicant avers that it is desirable for Ramirez to have a removable baby
10 bottle cover to enable using a dishwasher for cleaning the baby bottle.

Further, Ramirez does not show a compass or signal safety mirror. Ramirez teaches a battery powered nursing baby bottle attachment having music and lights for pacifying a nursing baby. Specifically, Ramirez teaches: "A nursing baby bottle attachment with (an) entertainment device(s) associated therewith,
15 especially the options of both, or either, chosen jingles of music and randomly flashing lights. Such may be just music, or the paired music and lights with a micro-switch, to turn off the lights alone." (Abstract).

These distinctions are submitted to be of patentable merit under Section 103 because of the new and unexpected results gained from this novel structure.
20 Ramirez would have no reason to combine the elements of the current invention. That is, the fact that Ramirez teaches a baby bottle with a battery powered detachable holder having flashing lights and a musical device, does not suggest

a hiking or biking hydration container with a molded cavity for holding a compass and planar bottom for holding a safety signal mirror.

The bicycle and hiking hydration containers are well known prior art and are distinct and different from a baby nursing bottle. Additionally, the compass and safety signal mirror are distinct and different from flashing lights and a musical device.

As describe above, Ramirez does not teach a molded cavity for holding a compass and planar bottom for holding a safety signal mirror, rather Ramirez teaches a nursing baby bottle accessory for detachably holding pacifying accessories such as flashing lights and musical jingles: "The music not only diverts occasionally a temperamental child's attention from the feeding process, but also may help to induce the infant into sleep after feeding." (Specification, Column 1, lines 40-43); and, "a flashing light baby bottle, which operates to divert the temperamental child's attention from the feeding process." (Specification, col. 2, lines 12-14).

CHAO DOES NOT TEACH A HYDRATION CONTAINER FOR DISPENSING LIQUIDS AND DOES NOT TEACH A CAVITY FOR HOLDING A COMPASS, BUT INSTEAD TEACHES AWAY FROM A CONTAINER FOR HOLDING LIQUIDS AND FURTHER TEACHES AWAY FROM HAVING A CAVITY FOR HOLDING A COMPASS AND AN ATTACHED SIGNAL SAFETY MIRROR.

The applicant teaches a bicycle and hiking hydration container with a fixedly mounted compass and safety signal mirror, where Chao teaches a "multipurpose

container for holding eyeglasses, writing instruments, pills, medicines, thermometers, rulers, note pads, to name a few of the nearly limitless number of items that can be stored." (ABSTRACT). Clearly Chao does not teach or envision his storage container to store liquids for purposes of providing athletes with hydration during activities such as bicycling and hiking. Instead Chao teaches a container for storing "items" in a hinged box that closes using a frictional fit. This box is unsuitable for holding liquids and is intended for holding solid objects. Specifically, Chao teaches (page 2, paragraph [0056]) "To facilitate the joining of the first end portion 14 and the second end portion 16, one of the first or second end portions 14, 16 may be provided with a slightly smaller outside perimeter at its opening relative to the outside perimeter of the other portion, so that it will form an interference fit with the other portion. As shown in FIG. 3, the second end portion 16 is provided with a slightly smaller perimeter 24 relative to the first end portion, but the roles can be reversed." Here the terminology "interference fit" is well known in the art to be friction fit. Further, Chao teaches attaching devices to the hinged cover of the container and teaches away from providing a cavity in the container as taught by the Applicant. Specifically, Chao teaches (pages 2 and 3, paragraph [0061]) "FIGS. 11, 12, and 13 show the multi purpose container 30 of FIGS. 5-7 provided with a gauge to measure a parameter, such as time, temperature, positioning, humidity, barometric pressure, to name but few possibilities. A computational device, such as a calculator, can also be employed. As shown in the figures, the container is provided with an analog timepiece 54 and a compass 56 on its top side 58."

Clearly Chao teaches away from a combination as suggested by the Office Action, where Chao teaches attaching devices to the outside of the hinged door of the container and does not infer or imply a container cavity, molded or otherwise, for holding a compass. Chao would have no reason to combine the elements of the current invention as suggested by the Office Action.

NICKLOWITZ DOES NOT TEACH A SAFETY SIGNAL REFLECTIVE MATERIAL CONFIGURED TO BE VISIBLE FROM OUTSIDE THE CONTAINER, BUT TEACHES AWAY FROM THE INVENTION OF THE APPLICANT BY HAVING A REFLECTIVE SURFACE CONFIGURED TO REFLECT LIGHT INTO A TRANSPARENT BOTTLE THUS RENDERING THE REFLECTIVE SURFACE INOPERABLE AND INVISIBLE AS A SAFETY SIGNAL MIRROR.

As cited in the Office Action regarding Nicklowitz, (col. 4, lines 58-62)

"However, the base cover 20 may be secured to the base 19 of the body 12 in any manner. The base cover 20 may also have a coating that is reflective, such as a mirror, so as to enhance the amount of light that is emitted through the contents of the body 12 and the body 12 thereby causing the container 10 to be illuminated more effectively." The orientation of the reflective surface of the mirror for Nicklowitz is facing into the container. This is clearly a deliberate and calculated configuration from Nicklowitz, where he achieves his intended result of enhancing the amount of light emitted through the contents to cause the container to have brighter illumination. It is clearly evident that Nicklowitz did not

envision a reverse orientation of the reflective surface since it would produce no benefit to his desired result of a brighter bottle. Nicklowitz further describes his intent(s) by stating, (col. 4, lines 65-67 and col. 5, line 1) " The base cover 20 is described for purposes of example and used in order to enhance the light emitted

5 by the light source and provide additional stability to the container 10." It is evident that Nicklowitz does not envision anything but having the orientation of the reflective surface face into the bottle, since the base cover is to provide additional stability for holding the bottle upright and a reflective surface in any other orientation provides no useful results to the teachings of Nicklowitz.

10 Nicklowitz would have no reason to combine the elements of the current invention as suggested by the Office Action.

The Applicant respectfully avers that the revised language of Claim 1 and the arguments set forth above overcome the 35 U.S.C. 103(a) rejection of the combined references of Ramirez, Chao, and Niclowitz. The revised language of

15 Claim 1 recites an invention that is distinct and different in composition, form and function. The applicant respectfully avers that Ramirez, Chao, and Niclowitz teach away from the current invention, and the current invention is novel and non-obvious over the cited combined prior art, where Ramirez, Chao, and Nicklowitz would have no reason to combine the elements of the current
20 invention as suggested by the Office Action. The Applicant respectfully requests further examination and consideration for the allowance of Claim 1.

RAMIREZ DOES NOT DISCLOSE THE INSTANT CLAIMED INVENTION

The Office Action has rejected Claims 3-5 stating "Ramirez discloses the instant claimed invention except for a bicycle container." "It will be readily understood by those skilled in the art, that any type of container including a
5 bicycle and hiking container may be used with the accessories."

The Applicant respectfully traverses this rejection, where the language of Claim 1 and dependent Claims 3-5 teach a unique and unanticipated invention not disclosed by Ramirez. Specifically, Ramirez teaches a housing that is detachable from a baby bottle, as discussed above, where the Applicant
10 conversely teaches a hydration container having a fixed, molded accessory cavity that does not have a detachable accessory housing as described by the Office Action. The Applicant respectfully avers that the rejection to Claims 3-5 is moot because Ramirez does not describe the instant claimed and does not infer or imply a baby bottle having an accessory cavity, since the desired result of
15 Ramirez is to "provide a baby bottle with a source or sources of music attached thereto." (col.1, lines 30-31), where it is clearly evident that Ramirez provides an accessory to any conventional baby bottle and such baby bottle is not envisioned to possess the accessory cavity taught by the applicant in Claim 1. The Applicant respectfully requests further examination and consideration for the allowance of
20 Claims 3-5.

**RAMIREZ DOES NOT DISCLOSE THE INSTANT CLAIMED INVENTION
AND THE SUGGESTED COMBINATION PRODUCES AN INOPERABLE
COMBINATION**

The Office Action states: "Referring to Claim 6 Ramirez discloses the instant
5 claimed invention except for a compass fixedly attached to the container." The
Office Action further states: "Chao discloses (Fig. 7) a compass [56] fixedly
attached to the top of the container [58]." And, the Office Action further states:
"Referring to Claim 7 since Ramirez discloses a cavity for holding an accessory
in the bottom of the housing, it will of course be understood for those skilled in
10 the art, that any part of the housing may be used for holding the accessories
without changing their functionality."

"It would have been obvious to one having ordinary skill in the art, at the time
the invention was made to provide the compass mounted to the housing, as
taught by Chao, for the device of Ramirez, for the purpose of orienting the device
15 relative to the magnetic field of the earth."

The Applicant respectfully directs the Examiners attention to the claim
language above, where there does not exist any recitation or reference to
"orienting the device relative to the magnetic field of the earth."

The Applicant respectfully traverses the above rejections, as best understood,
20 of the cited prior art combination because Ramirez does not disclose the instant
claimed invention as discussed above. Further, the combination of Ramirez and
Chao as suggested by the Office Action produces an inoperable result, where the
top of the baby bottle is well know to be a rubber-like nipple. By placing a

compass on the rubber nipple, the desired function of the baby bottle is rendered useless and thus, the desired result of safe and pacifying baby feeding Ramirez is not attained, where Ramirez teaches (col. 1, lines 30-43) "Yet another object of the present invention is to provide a musical baby bottle which is inherently safe for the baby being fed. The music not only diverts occasionally a temperamental child's attention from the feeding process, but also may help to induce the infant into sleep after feeding." The combination stated in the Office Action is not suggested by Ramirez, nor is it obvious to one skilled in the art to fixedly attached a compass to a baby bottle nipple, where such a configuration would produce an inoperable combination and further produce the reverse of the desired result taught by Ramirez.

The Applicant respectfully avers that the rejections to Claims 6 and 7 are moot because Ramirez does not describe the instant claimed and the suggested combination produces an inoperable combination.

The Applicant respectfully requests further examination and consideration for the allowance of Claims 6 and 7.

The Office Action states:

"Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramirez and Nicklowitz as applied to claim 1 above, and further in view of Ector et al. (6,187,192)."

"Ramirez discloses the instant claimed invention except for that the housing is attached using an adhesive bonding agent."

"Ector et al. discloses a base having an accessory (timer device) and attached to the container with an adhesive agent (col. 3, lines 35-37) to eliminate loosing of the accessories."

5 "It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the adhesive agent, as taught by Ector et al., for attachment the housing to the container in the device of Ramirez in order to use this parts together, as a whole device, and eliminate loosing of the accessories."

10 The Applicant respectfully directs the Examiners attention to a discrepancy in the cited art, where the Office Action cites Ector et al. (6,187,192). The Applicant believes the intended patent number for the cited art should be (6,817,192) based on the reference to the timing device, whereas the patent associated with (6,187,192) is by Johnson and relates to a Microbial Water Filter that does not reference a timing device.

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**THE APPLICANT'S INVENTION SOLVES A DIFFERENT PROBLEM THAN
THE COMBINED REFERENCES OF A MUSICAL AND LIGHTABLE BABY
BOTTLE BY RAMIREZ WITH AN ILLUMINATED BOTTLE HAVING AN
INWARD REFLECTING BASE, AND A DEVICE TO RECORD AGE OF FOOD
20 BY ECTOR**

In light of the currently amended language of claim 1 to more particularly cite the novelty of the current invention over the teachings of Ramirez in view of Nicklowiz, the applicant respectfully avers the applicant's invention solves a

different problem than the combined references, and such different problem is recited in the amended claims.

The Office Action cites in Ector et al (Specification, col. 3, lines 35-37), which explicitly reads: "Yet another object of the invention is to provide a steel base
5 with an adhesive backing for attaching the timer device to a food container".

**ECTOR TEACHES AWAY FROM USING GLUE TO ATTACH A STEEL
DISK AND EXPRESSLY TEACHES DOUBLE SIDED TAPE:** The applicant

respectfully avers that the "steel base" is a steel disk to provide a means for
10 magnet attachment of the timing device by using double stick tape to bond the steel base to a package so a food timer device may be magnetically attached to the steel disk taped to the food package. Specifically, Ector et al teaches: "A catch 28 made from ferromagnetic material, preferably a thin flat steel disk, has one exposed face with a surface area which is preferably commensurate in size
15 to the magnetic base 26 so that the timer device 10 is removably attachable to the base 28 by magnetic attraction." (Specification, col. 4, lines 14-19). Further, Ector et al teaches the steel disk and double-stick tape: "A conventional piece of double-sided adhesive coated tape 30 (Shown in Fig. 2) is attached to the opposite face of the catch 28" (Specification, col.4, lines 19-21). Conversely, the
20 applicant recites in Claim 2: "The multifunction hydration container accessory system of claim 1 wherein said compass is attached to said hydration container using an adhesive bonding agent." Here the compass is fixedly attached to the hydration container using an adhesive bonding agent, commonly known as glue,

which is distinct and different from the double sided tape as taught by Ector.

Ector deliberately teaches double sided tape because using glue in the device to record age of food is unworkable due to the curing times required for glue, where the universal nature of double sided tape enables immediate use and is

- 5 considered safe for use with food storage products. Rapid bonding agents, such as cyanoacrylate or super glue, are considered unsafe for use with food storage products.

**ECTOR TEACHES AWAY FROM A COMPASS AND SAFETY SIGNAL
MIRROR FIXEDLY ATTACHED TO BICYCLE AND HIKING HYDRATION**

- 10 **CONTAINERS TO SOLVE A DIFFERENT PROBLEM.** The food container depicted in Fig. 4 of Ector shows a metal plate taped to a food box for magnetically attaching a timing device. It is very unlikely that a detachable food spoilage timer device would be useful to athletes engaging in outdoor activities. Additionally, it is unlikely that a compass and a safety signal mirror would serve
- 15 any use purpose for facilitating the timing of food storage, where Claim 2 teaches a bicycle hydration container and a hiking hydration container having a fixedly attached compass using an adhesive bonding agent. The applicant avers that the cited references solve a different problem.

THE REVISED LANGUAGE OF CLAIMS 1 AND 2 CLEARLY

- 20 **DISTINGUISHES A COMPASS AND A SAFETY SIGNAL MIRROR FROM A
FOOD AGING TIMER.** The applicant respectfully avers that the accessory (timer device) is attached magnetically to a catch (steel disk) that in turn is attached to a food container using double stick tape. This configuration is unworkable with the

5 teachings of the current invention, where magnetic attachment of the compass would cause the compass to fail or to work improperly. Here, the compass is permanently attached using a non magnetic adhesive bonding agent, and is made evident according to the language of Claim 2. The term bonding agent is proper for describing glue. This is novel and unobvious from a device to record the age of food as taught by Ector.

**THE MUSICAL AND LIGHTABLE BABY BOTTLE, AN ILLUMINABLE
CONTAINER, AND A DEVICE TO RECORD THE AGE OF FOOD ARE
UNSUGGESTED COMBINATIONS AND THE REFERENCES TEACH AWAY**

10 **FROM COMBINING:** The combination of Ramirez Combination Musical and Lightable Baby Bottle, Nicklowitz Illuminable Container and Ector et al Device to Record Age of Food are respectfully submitted to be improper because neither Ramirez, Nicklowitz nor Ector suggest such a combination, and one skilled in the art would have no reason to make such a combination.

15 The need for the prior art references themselves to suggest that they be combined is well-known, e.g. as was stated in re Sernaker, 217 U.S.P.Q. 1, 6, (CAPC 1983).

a. "[P]rior art references in combination do not make an invention
obvious unless something in the prior art references would suggest
20 the advantage to be derived from combining their teachings"

The suggestion to combine the references should come from the prior art, rather than from the applicant. As was forcefully stated in Orthopedic Equipment Co. Inc. v. United States, 21 U.S.P.Q. 193, 199 (CAPC 1983):

b. "It is wrong to use the patent in suit (here the patent application) as
a guide through the maze of prior art references, combining the
right references in the right way to achieve the result of the claims
insuit (here the claims at issue). Monday morning quarterbacking is
5 quite improper when resolving the question of nonobviousness in a
court of law (here the USPTO)."

Ramirez teaches a Combination Musical and Lightable Baby Bottle for
distracting a baby while feeding, Niclowitz teaches an illuminated bottle used for
10 aesthetic and decorative purposes (col. 4, line 13), and Ector et al teach Device
to Record Age of Food by magnetically attaching a timer to a metal plate and
taping the plate to a food package. Since they teach away from each other, it
would not be logical to combine them. Thus any possible combination, if at all
possible, is unobvious.

15 The applicant respectfully avers the current invention is unobvious and
distinct to the combined cited prior art. The applicant has amended the language
of Claim 1 to more clearly illustrate this distinction and to put the Claims 1 and 2
in a condition of allowance over the teachings of Ramirez and Ector, where the
applicant requests further examination and consideration for the allowance of
20 Claim 1 and Claim 2.

The Office Action states:

"Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramirez and Nicklowitz as applied to claim 1 above, and further in view of Brown (US 5,447,110)."

5 "Ramirez and Nicklowitz disclose the instant claimed invention except for a reflective paint."

"Brown discloses a container coated with reflective paint for the purpose of using as a warning device (col. 2, lines 37-40)."

10 "It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the reflective paint, as taught by Brown, for the device of Ramirez and Nicklowitz, for the purpose of using as a warning device."

The Applicant has canceled claim 8 and therefore this rejection is moot.

15 The Office Action states:

"Claims 9-11, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramirez (US 6,158,870) in view of Chao (US 2003/0235455), Nicklowitz (US 6,964,492) and Brown (US 5,447,110)."

20 "Referring to Claim 9 Ramirez discloses (Fig. 5) a plastic (col. 4, line 22) liquid container [26] of cylindrical shape having a cylinder wall, a top and a planar bottom and a molded (because made from plastic) accessory cavity [30] for fixedly holding an accessory (speaker [31])."

"Ramirez discloses the instant claimed invention except for a compass, a molded cavity in the wall and a reflective paint."

"Chao discloses (Fig. 7) a container [58] having a compass [56] fixedly attached."

5 "Nicklowitz discloses (Fig. 7) a container [10] having a base [19] and a reflective cover [20] (col. 4, lines 58-62), but does not disclose reflective paint."

"Brown discloses a container coated with the reflective paint for the purpose of using as a warning device (col. 2, lines 37-40)."

10 "Referring to Claim 10 Ramirez discloses the instant claimed invention except for a bicycle container."

"It will be readily understood by those skilled in the art, that any type of container, including a bicycle and hiking container may be used with the accessories."

15 "Referring to Claim 11 Ramirez discloses the instant claimed invention except for a plurality of cavities for the accessories."

"It has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.* 193 USPQ 8."

20 "It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the compass mounted to the housing, as taught by Chao, for the device of Ramirez, for the purpose of orienting the device relative to the magnetic field of the earth and provide the reflective material, as

taught by Nicklowitz and Brown, for the device of Ramirez for the purpose of using a warning device."

**THE FACT THAT A LARGE NUMBER OF REFERENCES MUST BE
COMBINED TO INFER THE TEACHINGS OF THE APPLICANT IS EVIDENCE
5 OF NONOBVIOUSNESS.**

The Applicant respectfully traverses this rejection and avers that Ramirez does not teach the invention as taught by the Applicant. As mentioned above, Ramirez teaches a detachable, frictionally held baby bottle cover as discussed above that is vastly different from the molded cavity in a hydration container as
10 taught by the Applicant. Claim 9 is currently amended to teach a hydration container of generally cylindrical shape having a molded accessory cavity in a cylinder wall for fixedly holding a compass and a safety reflective mirror fixedly attached to the bottom surface. Ramirez teaches away for fixedly attaching his musical-flashing light device to the baby bottle, as discussed above. This is not
15 the instant claimed invention as stated by the Office Action.

Chao teaches away from combining a compass to the teachings of Ramirez, and thus the teachings of the applicant, where a compass on a detachable baby bottle accessory provides no useful result. A baby simply has no use for a compass, and the compass attached to the door of a glasses case, as taught by
20 Chao, provides no inference to combining with a detachable musical, lighted baby bottle accessory such that this combination teaches in any way towards the teachings of the Applicant.

As discussed above Nicklowitz teaches away from a reflective signal mirror oriented for providing a signaling means, where the lighting bottle would have to be destroyed to access the inward-facing reflective surface for use as a safety signaling mean.

5 Because Brown teaches his container to "contain at least two gallons of liquid" (col. 2, lines 1 and 2), the weight of a full container having reflective tape on the bottom would be too heavy and impractical to use as a reflective warning device when associated with activities such as bicycling and hiking. These teachings directly teach away from the teachings of the Applicant.

10 Ramirez does not disclose the instant claimed invention in Claims 10 or 11. As specified above, the teachings of Ramirez are for a detachable baby accessory used with a baby bottle. Ramirez teaches away from an athletic water bottle having a cavity(s) for fixedly holding a compass and safety signal mirror. The Applicant avers that there is no similarity in these two distinct teachings.

15 The Applicant respectfully avers that the combined teachings of Ramirez, Chao, Nicklowitz and Brown do not teach towards, or imply the teachings of the Applicant. Further, the fact that a large number of references must be combined to infer the teachings of the Claims 9-11 is evidence of nonobviousness. The Applicant respectfully requests further examination and reconsideration in view of
20 the above arguments.

The Office Action states:

“Claim 12 is objected to as being dependent upon a rejected base claim,
but would be allowable if rewritten in independent form including all of the
limitations of the base claim and any intervening claims, because the prior art or
5 record fails to show a hydration container having a compass, a dial thermometer,
a barometer, a reflector and GSP.”

Applicant respectfully requests further examination and reconsideration of
Claim 12 in view of the above amendments and the arguments.

The Office Action states:

10 “Claim 13 is allowed, because the prior art of record fails to show a
hydration container having a top fixedly holding a compass.”

The Applicant respectfully acknowledges this opinion in the Office Action.

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The Applicant has made a diligent effort to advance this application and believes the claims are placed in a condition for allowance. The Applicant kindly requests further consideration in this regard.


- 5 Should the Examiner have any questions or comments, they are encouraged to call the undersigned at (208) 726-9120 to discuss the same so that any outstanding issues can be expeditiously revised.

Respectfully submitted,

James E. Parris

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Dated: MARCH 3, 2006

By: 
James E. Parris, Bar No. 51,135
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6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.